

CITY OF SAN JOSE, CALIFORNIA Redevelopment Agency of the City of San Jose 50 W. San Fernando Street, Suite 900 San Jose, California 95110  <div style="text-align: center;"><b>STAFF REPORT</b></div>	Hearing Date/Agenda Number	
	P.C.: 7-24-02	Item: 3g.
	File Number: RCP 02-04-005	
	Application Type: Conditional Use Permit	
	Council District: 3	
	Planning Area: Central	
Assessors Parcel Number(s): 259-33-017		
<b>PROJECT DESCRIPTION</b>		
Completed by: Amie Glaser		
Location: 340 North San Pedro		
Gross Acreage: 0.87	Net Acreage: N/A	Net Density: N/A
Existing Zoning: LI	Existing Use: Storage building	
Proposed Zoning: No Change	Proposed Use: Off-street parking establishment (temporary parking lot)	
<b>GENERAL PLAN</b>		
Completed by: AG		
Residential Support for Core		Project Conformance:
		[X] Yes    [ ] No
		[X] See Analysis and Recommendations
<b>SURROUNDING LAND USES AND ZONING</b>		
Completed by: AG		
North: Parking Lot	Light Industrial (LI)	
East: Market Street/Coleman Avenue Overpass	Light Industrial (LI)	
South: Parking Lot	Light Industrial (LI)	
West: Industrial buildings, warehouses	Light Industrial (LI)	
<b>ENVIRONMENTAL STATUS</b>		
Completed by: AG		
[X] Reuse of Downtown Supplemental EIR, Certified 04/27/99	[ ] Exempt	
[ ] Environmental Impact Report complete on:	[ ] Environmental Review Incomplete	
[ ] Negative Declaration circulated on :	[ ] Negative Declaration adopted on:	
<b>FILE HISTORY</b>		
Completed by: AG		
Annexation Title: Original City	Date: N/A	
<b>HISTORIC STATUS: N/A</b>		
Completed by: AG		
<b>REDEVELOPMENT AGENCY RECOMMENDATIONS AND ACTION</b>		
[ ] Approval	[X] Action	Approved by: _____ Date: _____
[X] Conditional Approval	[ ] Recommendation	
[ ] Denial		Approved by: _____ Date: _____
[ ] Uphold Director's Decision		
<b>OWNER/DEVELOPER</b>		
San Jose Redevelopment Agency 50 West San Fernando, Suite 1100 San Jose, CA 95113		

## PROJECT DESCRIPTION

The Redevelopment Agency is requesting this Conditional Use Permit (CUP) to develop and operate an interim, at-grade parking lot (off-street parking establishment) at the project site, located at 340 North San Pedro Street, within the Julian-Stockton Redevelopment Area. The 0.87-acre project site is located in the Light Industrial (LI) Zoning District; a CUP is required for the development and operation of all off-street parking establishments in all of the City's industrial, commercial and residential zoning districts. The site is currently developed with a 13,000 square-foot warehouse-type building, commonly known as the Bike Barn. In order to develop the proposed, temporary parking lot, the Bike Barn will be demolished. Demolition of the building is included in this CUP request, in accordance with Municipal Code, Section 20.80.440. The proposed, 56-space parking lot will constitute the primary use of the site for approximately two to five years, at which time the site will be redeveloped with housing, consistent with the site's General Plan designation of "Residential Support for the Core."

The project site is adjacent to surface-level parking lots to the north and south and its proposed circulation and parking space configuration is integrated into these existing lots. Industrial and warehouse-type uses are located to the west of the site, across North San Pedro Street; the elevated Market Street/Coleman Avenue overpass abuts the site to the east, separating the site from the Villa Torino Apartments.

## GENERAL PLAN CONFORMANCE

The project site is designated "Residential Support for the Core" on the *San Jose 2020 Land Use/Transportation Diagram*. The proposed parking lot is a temporary use of the site and is, accordingly, time-conditioned to expire five years from the date of approval of the CUP. It is anticipated that the site will then be redeveloped with residential uses, consistent with the "Residential Support for the Core" designation.

## ENVIRONMENTAL REVIEW

Pursuant to Section 15180 of the 2002 *CEQA Guidelines*, the City of San Jose has determined that the project does not involve new significant environmental impacts beyond those analyzed in the Final Supplemental Environmental Impact Report (SEIR) entitled *Downtown Strategy Plan*, certified by City Council Resolution No. 68839 on April 27, 1999.

As part of the environmental review process, a site-specific architectural and historical evaluation of the Bike Barn building was prepared by Dill Design Group (see "Historic Determination," below). This report concluded that demolition of the Bike Barn would not result in a significant environmental impact, since the building is not eligible for designation as a City Landmark or for inclusion on the State or National Registers for Historic Resources. In accordance with the report's recommendations, however, structural and architectural elements of the building will be made available for salvage and re-use.

## ANALYSIS

The following analysis addresses the issues associated with this project.

Interim Parking/Future Housing Site. The Bike Barn site is identified in the *San Jose Greater Downtown Strategy for Development: Parking Management Plan* as one of five interim parking locations in the northern downtown and Julian-Stockton areas. The *Parking Management Plan*, which was approved by the City Council on November 6, 2001, calls for up to 75 spaces to be created at the location, however, the proposed 56-parking space configuration maximizes the number of spaces that can be accommodated within the available area of the site. The *Parking Management Plan* specifically identifies the Bike Barn site as an interim parking location, rather than a long-term or permanent location, in acknowledgement of the site's anticipated redevelopment for housing. Given the temporary nature of the parking lot, typical site improvements, such as landscaping and lighting, storm drains and perimeter walls are not proposed.

It is the objective of the Redevelopment Agency that the Bike Barn site will be used as a parking lot for approximately two to five years. It is anticipated by the Redevelopment Agency that a developer may be chosen for the site by November 2002, with construction of housing beginning by November 2003. Should the housing development process become protracted and the parking lot remain for the full five-year period, the CUP will need to be renewed in order for the parking lot to remain. At this time, appropriate site improvements could be included in the design of the project.

Land Use and Municipal Code Compatibility. The subject site is adjacent to parking lots to the north and south. The Market Street/Coleman Avenue overpass is immediately to the east, separating the site from the Villa Torino apartments. Warehouse-type uses are located to the west of the project site, across North San Pedro Street. Overall, the vicinity around the project site is undergoing a transition from predominantly industrial-warehousing uses to a mixed-use, residential area serving the downtown. The proposed interim parking lot will provide spaces for uses in the general vicinity (i.e., offices, restaurants, nightclubs) without conflicting with any of the immediately adjacent uses.

As designed, the proposed parking layout integrates into the design of the existing parking lots to the north and south. The parking spaces of the proposed lot are set back 20 feet from the San Pedro Street right-of-way, in accordance with the parking setback requirements of the LI Zoning District, but vehicle circulation aisles are needed within the setback area in order for the parking lot to integrate into the scheme of the larger existing parking plan and in order to provide a viable number of spaces on-site. As noted, the *Parking Management Plan* approved by the City Council called for 75 parking spaces at the Bike Barn site and the proposed configuration provides only 56, due to the spaces being set back 20 feet from the San Pedro Street right-of-way. Maintaining the circulation lanes in the proposed location will allow the parking facility to integrate functionally with the adjacent lots and be consistent with the intent of the *Parking Management Plan* to maximize the development of interim parking at the project site.

Historic Determination. The 13,000 square-foot Bike Barn building was constructed in 1907 and was the original location of the Walsh-Col Company, a wholesale grocer. Various other wholesale grocers later occupied the site before it was converted to a storage warehouse. The San Jose Police Department now uses the site for bicycle storage, hence the current moniker, the Bike Barn.

As noted above, the Dill Design Group prepared a detailed historic report, which concluded that the building is eligible to be designated as a Structure of Merit by the City's *Historic Resources Inventory*, but does not qualify as a candidate City Landmark or for the California or National Registers of

Historic Resources. The City of San Jose uses eligibility for listing as a City Landmark or California Register as the threshold for a significant impact on the environment under CEQA. Therefore, demolition of the Bike Barn would not have a significant impact on the environment. Moreover, the building lacks historic integrity in that its eastern portion, which included the main façade, was demolished in 1961 to make way for the construction of the Market Street/Coleman Avenue overpass.

The proposed demolition of the Bike Barn was initially brought to the Historic Landmarks Commission on July 11, 2001. At that time, the Preservation Action Council of San Jose submitted a letter objecting to the demolition of the building and Landmarks Commission members voiced their opposition to the demolition, believing the adaptive re-use of the structure could be feasible through a future development proposal. The Historic Landmarks Commission was again notified at their May 1, 2002 meeting that the demolition is imminent. There were no additional comments made by the Landmarks Commission at that time.

Even though demolition of the Bike Barn is not considered a significant impact, the Dill Design report indicates that the interior truss system was an innovative structural design for its time. Therefore, the consultants recommend including photo documentation and salvage of architectural elements. Photo documentation of the site (done to the standards of the Historic American Building Survey – HABS) has been prepared and submitted to the City of San Jose Planning Department; the interior wood trusses will be offered for salvage and re-use to local historic organizations, if feasible.

## **RECOMMENDATION**

The Redevelopment Agency and Planning staff's recommend that the Planning Commission approve the requested Conditional Use Permit and include the following facts and findings in its Resolution:

The Planning Commission determines that the following are the relevant facts regarding the proposed project:

1. This is a Conditional Use Permit (CUP) for an interim, off-street parking establishment containing 56 parking spaces. The subject CUP is time-conditioned for a period of five years.
2. The project site is approximately 0.87 acres and is located in the Light Industrial (LI) Zoning District.
3. Municipal Code, Section 20.50.100 requires a Conditional Use Permit for off-street parking establishments located within the LI Zoning District.
4. The CUP includes the demolition of an approximately 13,000 square-foot, warehouse-type building, commonly known as the Bike Barn.
5. The site is located within the Julian-Stockton Redevelopment Project Area.
6. The project site is designated "Residential Support for the Core" on the *San Jose 2020 General Plan Land Use/Transportation Diagram*.

7. The environmental impacts of this project were addressed by the Final Supplemental EIR entitled, *Downtown Strategy Plan*, adopted by City Council Resolution No. 68839 on April 27, 1999. Additionally, a site-specific architectural and historical report, entitled “Walsh Col Building, 340 North San Pedro, San Jose, California,” dated February 22, 2002, was prepared for this project by Dill Design Group.
8. The subject site is adjacent to surface parking lots, industrial-warehouse buildings, and a major roadway.
9. The subject site was identified as an interim parking location in the *San Jose Greater Downtown Strategy for Development: Parking Management Plan*.
10. The project site is served by the existing roadway network, which consists of San Pedro Street and Julian Street; and Coleman Avenue/Market Street, a major collector street.

The Planning Commission concludes and finds, based upon an analysis of the above facts that:

1. Upon issuance of this Conditional Use Permit, the project will comply with the land use provisions of the Light Industrial (LI) Zoning District in that the development and operation of an off-street parking establishment requires the issuance of a Conditional Use Permit.
2. Upon issuance of this Conditional Use Permit, the project will comply with Municipal Code, Section 20.80.440, concerning the demolition of buildings.
3. The project will allow the immediate development of a time-conditioned, interim parking lot. The long-term redevelopment objective for the subject site is for housing, in conformance with the site’s “Residential Support for the Core” General Plan designation. The proposed project will not conflict with this long-term development objective.
4. The project is complies with the requirements of the California Environmental Quality Act (CEQA) in that it will not create environmental impacts beyond those addressed by Final Supplemental EIR entitled, *Downtown Strategy Plan*, adopted by City Council Resolution No. 68839 on April 27, 1999.
5. The project complies with the recommendation of the architectural and historical report, entitled *Walsh Col Building, 340 North San Pedro, San Jose, California*, dated February 22, 2002, prepared by Dill Design Group, regarding salvage and re-use of building materials.
6. The project complies with the recommendation of the *Greater San Jose Downtown Strategy for Development: Parking Management Plan*, adopted by the City Council on November 6, 2001, in that it proposes interim parking uses on the subject site.
7. The project is compatible with and will not impact surrounding land uses in that the immediately adjacent uses consist of warehouse-industrial buildings, surface parking lots and a major roadway.

Finally, based upon the above-stated facts and subject to the conditions set forth below, the

Planning Commission finds that:

1. The proposed use at the location will not:
  - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area because the proposed parking use will integrate with the existing adjacent parking lot uses. The additional parking spaces will not affect existing commercial or residential uses in the area in that the additional off-street parking spaces will provide parking for these very uses. In addition, a Conditional Use Permit is revocable at any time that the use violates any city laws or ordinances; or
  - b. Impair the utility or value of property of other persons located in the vicinity of the site because the proposed building demolition and construction of a parking lot will not impair the value of housing or businesses, raise new safety concerns, or create visual impacts; or
  - c. Be detrimental to public health, safety or general welfare because the potential environmental impacts of the project were addressed by the final supplemental environmental impact report entitled, *Downtown Strategy Plan EIR* (Resolution No. 68839). Should the parking use cause police or nuisance problems in the area, a hearing to review the CUP approval will be scheduled before the Planning Commission; and
2. The proposed site is adequate in size and shape to accommodate the development features necessary to integrate said use with the uses in the surrounding area in that parking use is compatible with the parking uses in the immediately surrounding area; and
3. The proposed site is adequately served:
  - a. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate in that the proposed project will not need to provide off-site improvements to the existing roadway network or transit facilities; and
  - b. By other public or private service facilities as are required in that the scale of the project will not necessitate expansion of existing service facilities.

In accordance with the findings set forth above, a Conditional Use Permit to use the subject property for said purposes specified above and subject to each and all of the conditions hereinafter set forth is hereby granted. This Planning Commission expressly declares that it would not have granted this permit except upon and subject to each and all of the following conditions. Each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property and all persons who use the subject property for the use conditionally permitted hereby.

## **CONDITIONS PRECEDENT**

This Conditional Use Permit shall have no force or effect and the subject property shall not be used for the hereby permitted uses unless and until all requirements of the below enumerated precedent conditions all have been performed or caused to be performed and this Resolution has been recorded with the County Recorder.

1. Acceptance and Payment of Recording Fees. Within sixty (60) days from the date of this Resolution, the property owner(s) shall accept this permit by signing the form provided hereto, and paying the fee for its recordation by the Recorder of the County of Santa Clara.

## CONCURRENT CONDITIONS

The subject property shall be maintained and utilized in compliance with the below enumerated conditions throughout the life of the permit:

1. Water Pollution Control Plant Notice. This Conditional Use Permit is subject to the operation of Part 2.75 of the Chapter 15.12 of Title 15 of the San Jose Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San Jose or to meet the discharge standards of the sanitary sewer system imposed on the California Regional Water Quality Control Board for the San Francisco Bay Region.
2. Nuisance. This use shall not be operated in a manner that creates a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City of San Jose or the Redevelopment Agency.
3. Demolition Permit. Prior to the commencement of any demolition activities, a demolition permit shall be obtained from the Building Division.
4. Plan Conformance. The project shall be developed and operated in conformance with the plans entitled, *Redevelopment Agency of the City of San Jose, Bike Barn Structure Demolition and Parking Lot Design*, dated March 2002, and prepared by Earth Tech.
5. Storm Water Management Plan. The project shall conform to the City of San Jose National Pollutant Discharge Elimination System (NPDES) Storm Water Permit and shall include Best Management Practices (BMPs) as specified in the Blueprint for a Clean Bay to control the discharge of storm water pollutants including sediments associated with construction activities. Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City Project Engineer, Department of Public Works, Room 308, 801 North First Street, San Jose, California 95110-1795. The Erosion Control Plan may include BMPs as specified in ABAG's Manual of Standard for Erosion and Sediment Control Measures for reducing impacts on the City's storm drainage system from construction activities. For additional information about the Erosion Control Plan, the NPDES permit requirements or the documents mentioned above; please call the Department of Public Works at (408) 277-5161.

5. Historic Salvage. During demolition activities, the existing building's interior truss system shall be advertised and offered for salvage and re-use to interested organizations.

## CONDITIONS SUBSEQUENT

1. Revocation, Suspension, Modification. This Conditional Use Permit may be revoked, suspended or modified by the Planning Commission or by the City Council on appeal, at any time, regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 2, Chapter 20.100.350, of the San Jose Municipal Code it finds:
  - a. A violation of any conditions of the Conditional Use Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
  - b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
  - c. The use presently conducted creates a nuisance.
2. Compliance Review. A Compliance Hearing may be required at the discretion the Planning Commission at any time during the period of time this permit is in effect.
3. Time Limit. *This Conditional Use Permit expires and has no further force or effect five (5) years from the date of its approval.* A Compliance Hearing at the discretion of the Planning Commission may be required at any time during the term of this Permit.
4. Renewal. The Permit holder may seek renewal of a time-conditioned Conditional Use Permit by filing a timely renewal application on the form provided by the Executive Director of the Redevelopment Agency. In order to be timely, an application for renewal must be filed more than 90 days, but less than 180 days, prior to the expiration of the Conditional Use Permit. Once a renewal application has been filed in a timely manner, the expiration date of the Conditional Use Permit is automatically extended until either the issuance or denial of the application for renewal has become final.